



May 15, 1999

GP 2754
#5
S. Sand
5/25/99

To: Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attn: Art Unit 2754 - A. HEINZ

From: George O. Saile, Reg. No. 19,572

20 McIntosh Drive

Poughkeepsie, N. Y., 12603

RECEIVED
MAY 21 99
GROUP 2700

Subject: | Serial No.: 09/046,007 03/23/98 |

C.C. Han, M.M. Chen, C.T. Horng,
Terry Tornig

A NOVEL SINGLE STRIPE
MAGNETORESISTIVE (MR) HEAD

|__Art Group: 2754 A. HEINZ _|

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election
Requirement in the Office Action dated 04/27/99. In that
Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to: Commissioner of
Patents and Trademarks, Washington, D.C. 20231, on May
17, 1999.

Stephen B. Ackerman, Reg. # 37761
Signature/Date [Signature]

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 21-28 to a process, classified in Class 29, subclass 603.16 and Group II - Claims 1-20, 29-31 to a semiconductor device, classified in Class 360, subclass 113.

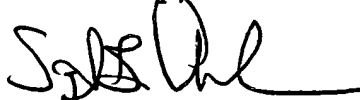
Applicant provisionally elects to be ~~examined the~~ Group I - Claims 21-28 Invention described by the Examiner as drawn to a process classified in Class 29, subclass 603.16 This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "A soft adjacent layer (SAL) magnetoresistive (MR) sensor element" and the process Claims are directed to "A method for fabricating a magnetoresistive (MR) sensor element", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa.

The field of search must necessarily cover both the method class/subclass 29/603.16 and products class 360/113 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the magnetic sensor/transducer can be fabricated using steps which do not follow the same chronological order of the claimed steps", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,


Stephen B. Ackerman,
Reg. #37761

(9147) 452-5863